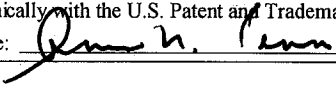


CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: June 10, 2008 Name: Amir N. Penn (40,767) Signature: 

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Masahiro Kaiwa

Appln. No.: 10/070,331

Filed: February 26, 2002

For: Method And Apparatus For
Assisting Positional Information
Service

Examiner: Duran, Arthur D.

Art Unit: 3622

Confirmation No.: 7057

Attorney Docket No: 9683/103

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

In the final Office Action dated December 12, 2007, the Examiner rejected all of the pending claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,259,405 (Stewart) in view of U.S. Patent Application No. 2002/0052684 (Bide) or in view of U.S. Patent No. 6,587,835 (Treyz).

I. The Rejections Under 35 U.S.C. § 103(a) Fail to State a Prima Facie Case of Obviousness

Applicants submit that the pending rejections fail to cite references teaching or suggesting all of the claimed features. The pending claims include independent claims 1 and 18.

A. Rejection of independent claims 1 and 18

Applicants respectfully traverse the Examiner's rejection of claim 1 as obvious by Stewart in view of Bide or Treyz. Claim 1 relates to location information service supporting method. The method claimed in claim 1 includes, *inter alia*:

“a location information obtaining service . . . [that] receives information from a mobile device in the first network used to indicate locating capability of the mobile device”; and

“a location information obtaining service . . . [that] selects at least one locating method, from a plurality of locating methods, for locating the mobile device based on the received information from the mobile device”

See also claim 18 (“a location information obtaining means. . . for receiving information from a mobile device in the first network used to indicate locating capability of the mobile device”; and “a location information obtaining means . . . for selecting at least one locating method, from a plurality of locating methods, for locating the mobile device based on the received information from the mobile device”)

In the final Office Action, the Examiner does not address either of these limitations cited above. Specifically, the Office Action does not cite any section of the Stewart, Bide and Treyz references as teachings these limitations. Regardless, none of the cited references either alone or in combination teach these limitations, as discussed below.

1. The Stewart Reference

The Stewart reference teaches that the location method is selected **independent** of any locating ability of the mobile device. In one embodiment, the Stewart reference teaches that the

location method is selected based on the “access point” to the network. See abstract; see also Figure 1. In another embodiment, the Stewart reference teaches that the GPS information from the mobile device is substituted for the location method. See col. 27, lines 6-13.

In each of these embodiments, the Stewart reference fails to select the location method based on the capabilities of the mobile device. In the first embodiment, the locating method (using access points) is selected independent of the capabilities of the mobile device. In the second embodiment of the mobile device providing the GPS information, the system does not select any locating method (instead relying solely on the mobile device for the location information). In contrast, claims 1 and 18, as currently presented, select at least one locating method, from a plurality of locating methods, **based on the information received from the mobile device that indicates the locating capability of the mobile device.**

2. The Bide Reference

The Bide reference teaches an entirely self-contained portable device that makes the location determination. The portable device in the Bide reference, therefore, does not transmit its location ability to any other device (since the portable device does the location determination). Further, the portable device in the Bide reference includes a user position detector (UPD) that includes the capability to receive “satellite or terrestrial radio transmissions to determine the user’s current x,y,z spatial coordinates.” Paragraph [0020]. The Bide reference also teaches that, based on the wireless transmissions, the user position detector (UPD) in the portable device may calculate its position using differential GPS (dGPS). It is evident that the Bide reference fails to teach or suggest: (1) a mobile device that sends its locating capability to a central locating device; or (2) a central locating device that selects the location method based on the received mobile device’s locating ability.


3. The Treyz Reference

The Treyz reference teaches that the user may receive location-based shopping services (such as advertisements) displayed on a handheld computing device. The Treyz reference teaches that the location of the handheld computing device may be determined via GPS (or dGPS). However, similar to the Bide reference, the Treyz reference does not teach or suggest the handheld computing device transmitting to a central station anything regarding its locating ability, or a central station that uses the handheld computing device’s locating ability to select the locating method. As shown above, none of the Stewart, Bide, or Treyz references, either alone or in combination, teach

the limitations as presently recited in claims 1 and 18. Therefore, claims 1 and 18 are patentable over the cited references of record.

The errors in the pending anticipation rejections are discussed with respect to the independent claims for purposes of brevity. The dependent claims not discussed are submitted to be allowable for at least the same reasons. Applicants submit that this case is in condition for allowance.

Respectfully submitted,



Amir N. Penn

Registration No. 40,767

Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610